

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DAVID P. OETTING, and,
JAMES OETTING, Individually and on
behalf of all others similarly situated,
Plaintiffs,**

v.

**HEFFLER, RADETICH & SAITTA, LLP,
EDWARD J. SINCAVAGE,
EDWARD J. RADETICH, JR., and
MICHAEL T. BANCROFT,
Defendants.**

CIVIL ACTION

NO. 11-4757

O R D E R

AND NOW, this 16th day of December, 2015, upon consideration of defendant Heffler, Radetich, & Saitta, LLP's Motion to Dismiss This Action (Doc. No. 36, filed October 1, 2015), defendants Michael T. Bancroft, Edward J. Radetich, Jr., and Edward J. Sincavage's Motion to Dismiss This Action (Doc. No. 37, filed October 1, 2015), plaintiff's Response to Defendants' Motion to Dismiss the Second Amended and Restated Complaint (Doc. No. 41, filed October 29, 2015), and Reply Brief of Defendant Heffler, Radetich, and Saitta, LLP and the Proposed New Defendants in Further Support of their Motions to Dismiss (Doc. No. 43, filed October 30, 2015), for the reasons set forth in the accompanying Memorandum dated December 16, 2015, IT IS ORDERED that defendants' Motions to Dismiss are **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. That part of defendants' Motions to Dismiss which seeks dismissal of David P. Oetting is **GRANTED**. David P. Oetting is **DISMISSED** from the action for lack of Article III standing and shall be **REMOVED** from the caption.
2. Defendants' Motions to Dismiss are **DENIED IN ALL OTHER RESPECTS**.

IT IS FURTHER ORDERED that a telephone conference for the purpose of scheduling further proceedings will be conducted in due course.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.